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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,095	03/12/2004	Fay Chong JR.	SUNMP238	8103
32291	7590	06/28/2006	EXAMINER	
MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			BROUSSARD, COREY M	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,095

Applicant(s)

CHONG, FAY

Examiner

Corey M. Broussard

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a hard drive having a device surrounding component and a lever positioned on a side surface as recited in claim 10 must be shown or the features canceled from the claim. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Paragraph [0056] of the specification describes the lever as being positioned on a side surface of the disk drive, or a device surrounding component. There is no support anywhere in the original disclosure for a device having both a device surrounding component and a lever positioned on a side surface of a disk drive.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-10, 12-13, 15, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Roesner (US Pub 2005/0047075). With respect to claim 1, Roesner teaches a front rail (82), a rear rail (80), and a bottom rail (30) to define a front, a rear, and a bottom boundary of the component positioning and securing bracket assembly (16), the front rail, the rear rail, and the bottom rail defining a structure into which is received the component (14); a top plate (42) for attaching to the component, the top plate including a keyed tail portion (70); a tail receptacle (94) for receiving the keyed tail portion, the tail receptacle configured to the rear rail; a nose receptacle (receptacle defined by the slot 82) portion of the front rail for receiving a nose portion (end of 42 opposite 44) of the top plate; a component connector (18) to connect to a port of the component ([0013] line 6); and a lever (24) to provide leveraged motion, the leveraged motion causing the keyed tail portion to be received into the tail receptacle to positively hold and rigidly support the component in place and effecting a connection of the port of the component and the component connector and securing the component in the component positioning and securing bracket ([0014] lines 3-7), wherein the component positioning and securing bracket assembly is in an array of a plurality of components ([0021] lines 14-18).

6. With respect to claim 2, Roesner teaches wherein the array of a plurality of components is one array of a plurality of arrays in an array chassis ([0021] lines 14-18, the drive loading system can be expanded to accommodate any quantity of drives).

7. With respect to claim 3, Roesner teaches wherein the component (14) is a computer component (see [0001] teaching the drive 14 of the invention is for a computer system).
8. With respect to claim 4, Roesner teaches wherein the computer component is a hard drive (see [0002] lines 2-3).
9. With respect to claim 5, Roesner teaches wherein the component (14) is a computer component (see [0001] teaching the drive 14 of the invention is for a computer system) and the plurality of arrays in the array chassis is a plurality of arrays of computer components in the array chassis of a computer system rack (see [0021] lines 14-18, the drive loading system can be expanded to accommodate any quantity of drives).
10. With respect to claim 6, Roesner teaches wherein when the leveraged motion provides horizontal motion (28, see Fig. 1, 5) to secure the component in the component positioning and securing bracket assembly ([0014] lines 3-7) within the one array of a plurality of arrays in an array chassis ([0021] lines 14-18).
11. With respect to claim 7, Roesner teaches wherein the component connector (18) is attached to the front rail (82) and wherein the bottom rail (30) defines a lower boundary of the component positioning and securing bracket assembly (see Fig. 3) such that when the component is received in the structure defined by the front rail, the rear rail (80), and the bottom rail, the port of the component is aligned with the component connector (see [0018]).

12. With respect to claim 8 and 9, Roesner teaches wherein the component connector (18) provides power and data to the component (14, in order for the drive to operate, the connector must provide power and data).

13. With respect to claim 10 as best as it can be understood, Roesner teaches a disk drive positioning and securing bracket assembly (16), comprising: a device surrounding component for holding a disk drive (12); a forward mounting post (82) attached to an array chassis; a rear mounting post (82) attached to the array chassis; and a lever (24) to provide leveraged movement to the disk drive, the lever positioned on a side surface of the disk drive (see Fig. 1, 5) to be located within the array of the plurality of disk drive components (see [0021] lines 14-18, the drive loading system can be expanded to accommodate any quantity of drives), wherein the device surrounding component includes a device positioning key (70) and forward tabs (ends of 40, 42, see Fig. 2A, 2B), the device positioning key and forward tabs configured to be received in the rear mounting post and in the forward mounting post such that the device surrounding component having the disk drive therein is received in the rear mounting post and in the forward mounting post in a first direction of motion (26, see Fig. 1, 5), and the lever provides leveraged movement in a second direction of motion positioning the device positioning key into the forward tabs to secure the disk drive ([0014] lines 3-7).

14. With respect to claim 12, Roesner teaches wherein the array of a plurality of disk drive components (14) is disposed within an array chassis having a plurality of arrays of disk drive components (see [0021] lines 14-18, the drive loading system can be expanded to accommodate any quantity of drives).

15. With respect to claim 13, Roesner teaches wherein the rear mounting post includes a keyway (area of upper surface of 80 between 90 and wall opposite of 90) for receiving the device positioning key (70) in the first direction of motion (see Fig. 5).
16. With respect to claim 15, Roesner teaches wherein the disk drive positioning and securing bracket assembly is constructed of materials including hard plastic and stainless steel alloy (it is known to use hard plastics and stainless steel alloys for construction materials in computer systems).
17. With respect to claim 16, Roesner teaches wherein the first direction (26) of motion is a vertical direction of motion and the second direction (28) of motion is a horizontal direction of motion (see Fig. 1, 5).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roesner (US Pub 2005/0047075) in view of Aoki et al. (PN 6,288,911). Roesner teaches the device as applied to claim 10 above, and a power and data connector (18) disposed within the forward mounting post (82); wherein the lever (24) provides leveraged movement in the second direction of motion (28) to secure the disk drive ([0014] lines 3-7). Roesner lacks specific teaching of a T-shaped slot. Aoki teaches of

a T-slot (rail 3, see Fig. 1) wherein a device positioning key (31) moves through the T-slot (3) and a power and data port of the device mates with the power and data connector (17, see Fig. 6a-6c, col 4 lines 1-7). It would have been obvious to a person of ordinary skill in the art to combine the drive loading system of Roesner with the retention bracket of Aoki for the benefit of a rail system that offered better alignment of the drive with the drive bracket.

20. With respect to claim 14, Roesner teaches wherein when the lever provides leveraged movement to secure the disk drive (14, [0014] lines 3-7), the forward tabs (ends of 40, 42, see Fig. 2A, 2B) are disposed within the forward mounting post and adjacent to the power and data connector (18, see Fig. 1, 5, the forward rail 82 must accommodate the forward tabs when the lever provides movement in order for the connectors to establish contact).

Response to Arguments

21. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new grounds of rejection.

22. With regards to the argument concerning the limitation to "positively hold and rigidly support" the Examiner notes that apparatus claims cover what a device *is*, not what a device *does*." *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990). See MPEP 2114.

Conclusion

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey M. Broussard whose telephone number is 571 272 2799. The examiner can normally be reached on Flextime.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2835

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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